

**HAMPTON BOARD OF SELECTMEN
SELECTMEN'S MEETING ROOM
November 14, 2005 – 7:00 PM**

PRESENT: Jim Workman, Chairman
Cliff Pratt, Vice-Chairman
Rick Griffin
Ben Moore
Virginia Bridle-Russell
James S. Barrington, Town Manager
Maureen Duffy, Administrative Assistant

REGRETS:

Chairman Jim Workman called the meeting to order at 7:00 pm and introduced those in attendance.

SALUTE TO THE FLAG – Chief Lipe led the audience in the salute to the flag.

I. ANNOUNCEMENTS AND COMMUNITY CALENDAR

Mrs. Bridle-Russell announced that the Hampton Boy Scouts will be collecting food for the food pantry. She also reported that there are three Church fairs this weekend: The Trinity Church, Our Lady of the Miraculous Medal Church and the Hampton Baptist Church. Crafts and many gift items will be available at the fairs. Mrs. Bridle-Russell also mentioned that the Salvation Army is accepting applications until December 1 for Christmas. Firefighter Toy Bank applications are available. To apply contact Social Services or any of the three school nurses.

Vice-Chairman Pratt mentioned the Christmas Parade on December 3. Those interested in participating should contact the Chamber of Commerce.

Mr. Barrington said that the Christmas tree lighting will be held the night before the Parade (December 2).

State Representative Nancy Stiles contacted Mr. Barrington to discuss the Part D Medicare changes. An information session will be held on November 29 from 2-4pm at the Trinity Church.

II. APPOINTMENTS

1 – PRECINCT COMMISSIONERS – RE: FIRE FACILITIES

Town Manager Barrington provided an overview of the happenings that lead to the invitation of the Precinct Commissioners attending tonight's meeting. The Town leases the Fire Station from the Precinct Commission. The lease agreement will be expiring soon and the Commissioners need to be involved in future fire station discussions. He said that there has been a lot of discussion at the Town level about building a sub-station at the beach and moving headquarters uptown. According to Mr. Barrington the plan is to have the fire station on the 2006 Warrant. If the voters support the project and the Warrant Article passes it is hoped that the Town will have the support of the Precinct Commission. Mr. Barrington questioned the Commissioners what their intent is in regards to the fire station.

Precinct Commissioner Mike O'Neil stated that the beach is a viable area and public safety is very important to the area. The Precinct Commission has every intention to work with the Board of Selectmen to address fire safety needs at the beach. Commissioner O'Neil made it very clear that the Commission has no intension to kick the Town's fire station out of the current location. He emphasized that it is important that the Precinct Commission and the Board of Selectmen work together to address the fire safety and parking issues at the central part of beach.

Mr. O'Neil mentioned that the Church Street location should be considered because there could be cost savings at this location due to soil stability. He believes that this location would provide proper access to beach. To manage traffic he suggested a traffic light at Ocean and Highland Avenue. In addition he suggested that the Town consider a substation similar to the one proposed in Kittery, Maine for \$2.9 million.

Mr. O'Neil also mentioned parking services that the Precinct provides. They offer day and overnight parking needs for 15 different hotels and visitors to the area.

BOS Questions to Precinct Commissioners

Mr. Moore asked when the Precinct Warrant Article deadline was. The Commissioners responded by stating late February. He also mentioned that there is need to discuss prorating the funds for the condo project at the beach by Warrant Article.

Mr. Moore asked if the Church Street location would take more parking spaces away from the beach area. Commissioner O'Neil said that the parking space is not as central as other vital facilities. The Town leases this parking area from the Catholic Church. He mentioned that there may be times during the week that Town residents can use it.

Mr. Griffin inquired if the Town Manager was aware of an agreement made back in March of 1977 which involved the Town giving the Precinct Commission the property behind the indoor parking garage next to where the current fire station is located. Mr. Barrington said that he would research Mr. Griffin's query.

To maintain a viable beach area the Precinct Commission would like to encourage additional affordable parking in the central part of the beach.

Vice-Chairman Pratt said that he has a problem with Church Street as a potential location for the substation. He believes that beach accessibility would be reduced. Mr. Pratt invited Fire Chief Lipe to discuss his views on the future fire station. Chief Lipe said that the Church Street location is not his first pick as this location is very busy in the summer time. If this site was chosen, roadway issues would need to be resolved. Mr. Pratt would like to see the fire-station built in the location that it is currently at and a temporary station at the Church Street location to support the needs of the fire department during the building process.

Commissioner O'Neil Mentioned that he believes that there would be various ways to address traffic problems in the Church Street location. A possibility would include dispersing fire trucks at different locations along the beach during busy times.

Chief Lipe said that one of the most important cost considerations involves verifying soil quality at both locations to determine the cost of foundation support.

Mr. Pratt said that the most stable and cost effective project needs to be presented to the voters of Hampton. Commissioner O'Neil Responded by saying that they are committed to working with the Town and there may be a need to do a feasibility study. Chief Lipe said that a response time study was completed a year ago. The results indicated that response to the Sun Valley area is slow, but by moving the station further from the central beach area it would slow down response time into town.

Chief Lipe needs a confirmation from the Board of Selection in regards to the direction that he should be working towards when developing a cost analysis for the future fire station. The Precinct Commission strongly recommends a substation at the beach and headquarters uptown. Mr. Moore mentioned that the best method would involved the communications and headquarters in secure area.

Mr. Griffin asked Chief Lipe if he is familiar with the substations in Portsmouth and if he knew how old they were? Chief Lipe said that he is not that familiar with the stations in Portsmouth but is quite knowledgeable about the stations in Manchester. He has visited all three and believes that these are very good models to consider.

Chairman Workman is quite confident that there will be a 2006 Warrant Article discussing this project.

2 – PETER HOWE – LOADING ZONES & PARKING AT THE BEACH

Chairman Workman noted that this is not a public hearing and that public comments will be welcome at the end of the meeting.

Peter Howe presented an update on loading and parking zones. He provided a diagram demonstrating the various zones being considered. He does not have a recommendation at this time as he would still like to examine the loading zones that are problematic with traffic. He suggested one way to improve Ashworth Avenue would be to have an eight foot lane on the west side as a shoulder that could be used as a loading zone. In addition he suggested a 12 foot travel lane on the west side and 13 foot travel lane on the east side, leaving a 5 foot lane for a bike lane.

BOS Questions to Peter Howe

Mrs. Bridle-Russell asked about how this would affect businesses on the east side. Mr. Barrington said that there is only one loading zone on the east side and it could potentially be eliminated and a new one around the corner. Mr. Bridle-Russell also asked if Mr. Howe had discussed his proposal to local businesses. His answer was no.

Mr. Griffin asked if there are more than the 14 loading zones listed in the ordinance affected by curb cuts and the new layout of the road. Mr. Howe stated that he wasn't certain if the actual number was 14. However, he said that one of the four along Ashworth Avenue could possibly be affected by the proposed plan. Mr. Moore asked if the four were sufficient or if more are required. Mr. Howe said that he thinks some are not in suitable locations and some may need to be relocated to accommodate local businesses.

Mr. Moore asked if there are plans to add loading zones. Mr. Howe said that there was discussion about adding loading zones along lettered streets on the west side. There was also talk of loading zones for a certain period of time and then the rest of the time it could be parking.

Mr. Moore asked if there has been discussion regarding crosswalks and where they would be located. Mr. Howe said that in most cases they have been situated in locations where people can safely cross. In some locations there are geometry constraints.

Mr. Griffin asked how many loading zones there are now and if they are supported by ordinance. After a count, Mr. Howe said that there are 21. He said that eleven of the loading zones are in conflict with parking on lettered streets or the proposed bike lane on Ashworth Avenue. Some of these zones need to be investigated to determine if they need to be moved. Mr. Griffin suggested that the Board of Selectmen along with Mr. Barrington and Mr. Howe should go and look at each individual loading zone and ask the businesses their opinion about the zone's effectiveness. It was the consensus of the Board to arrange a trip to consult with business owners in regards to this issue.

Mr. Howe mentioned that many business owners have expressed their concern with loading zones in Hampton because often large delivery trucks have difficulty parking in these designated areas.

3 – FRED RICE – DOWNTOWN ECONOMIC ISSUES

Fred Rice addressed the Board of Selectmen in regards to the economic issues in the downtown region. A 1989 traffic study recommended that Route 1 be widened from Seabrook to Portsmouth and have five lanes. This recommendation was not feasible because of Hampton. The problems with traffic and parking are the same today in downtown Hampton as they were when the study occurred.

The intent of using the railroad for Route 1 was to make two lanes north along Layette Road and two lanes south along the railroad right-of-way. Mr. Rice provided a diagram that indicated possible traffic remedies. When considering rerouting Route 1 it is not a simple project and there are many factors affecting the situation. Mr. Rice said that in Hampton parking and traffic will always be a problem. Factors such as New Hampshire's economic vigor and positive outlook will attract people to the region. Mr. Rice stated that Hampton is not a poor Town and one of the reasons why businesses are leaving is because of the Town's

inability to provide services due to the default budgets. Business owners need to know that there will be services available to support their business.

Mr. Rice stated that the Main Street program is an excellent program and that it returns \$10 for each dollar spent. The Town would need to commit to the program and hire a full time person. This would cost approximately \$40,000 per year for three years. It's a long term project and it is not likely that the Town would see a return for four to six years.

Since 1998 the Coastal Economic Development Corporation (CEDC) provides financial assistance to start up businesses. The role of the CEDC is to provide "gap" financing for companies that create jobs. This enables companies to startup in Coastal towns.

Mr. Rice went on to say that attracting business to the region is the job of the Chamber of Commerce and the Board of Selectmen. He also believes that it is essential that a multi-story parking facility be built to remedy the limited parking situation.

BOS Questions to Fred Rice

Mr. Griffin asked where the funds come from for the CEDC. Mr. Rice stated that it is through the NH Business Finance Authority and there is a three million dollar funding source secured through the State. Loans vary from to \$30,000 to \$200,000.

Mrs. Bindle-Russell is concerned about the people who can't afford to live in Hampton. Mr. Rice said that this is becoming a more affluent area. In addition he commented that the tax rate for Hampton is not very high in comparison to other small towns in the State.

4 – GARY PATTON – PARTISAN CANDIDATE'S NIGHT IN SELECTMEN'S MEETING ROOM

Mr. Gary Patton, Mrs. Lenore Patton and Attorney Ken Bouchard addressed the Board of Selectmen. Mr. Patton presented his case in regards to the resumption of broadcasting Democratic and Republican candidates' night. Since 1997 the two parties have had the privilege of hosting a candidate's night in the Board of Selectmen's meeting room and having the event broadcasted on Channel 22. In 2004 Mr. Patton arranged to host the Democratic candidates meeting as he had done for many years. Two days prior to the event the Board of Selectmen made a motion to cancel candidates' night, citing a rule that Town buildings could not be used for political events. Mr. Patton would like to recommend that the biennial televised candidates' night should be restored. He feels it is important for local government to keep the public informed.

Attorney Bouchard, representing Mr. Patton, said that federal statute states that local cable is to provide broadcasting services for virtually any use. According to Attorney Bouchard, local cable companies are to provide wide, diverse services. Hampton has recently adopted a policy that applies to the Selectmen's meeting room. The general message of the policy is that no meeting shall involve a political position or a candidate for elected officials. Attorney Bouchard also said that the State Statute is very clear with regards to a very broad use of local cable. The basic guideline for local cable is to avoid obscenity, indecency and

nudity. There is a requirement that a fund be set aside for local programming. In the last fiscal year the fund has over \$77,000 dedicated to supporting Channel 22. Access is to be available at no charge to any town resident, employee, organization; the town and school access channel can be used for any noncommercial programming, such as a cooking show. Attorney Bouchard discussed the Town of Exeter's open forum policy which involves using the town building as long as it is not used for profit. The Attorney concluded by stating that the Town of Hampton is violating federal law by not enabling candidates' right to be held in the Board of Selectmen's meeting room.

BOS Questions to Gary Patton

Chairman Workman noted that the policy was unanimously supported by the Board of Selectmen back in April of 2004 addressed using Town Buildings not Channel 22. He stated that the Town of Hampton has adopted a policy stating that Town buildings are not to be used for public fora and that was the original intent. Attorney Bouchard said that the problem with that policy is that Selectmen's meeting room is the only room with broadcasting capabilities.

Mr. Moore asked Mr. Barrington if the Town has a policy in regards to what is broadcasted on Channel 22. Mr. Barrington mentioned that citizens have provided tapes of various events and they have been broadcasted on the cable channel. Mr. Barrington noted that the Board of Selectmen and the Channel 22 Committee have never formally adopted a policy. However, the issue that is being addressed is the use of the room not the broadcasting privileges. Attorney Bouchard stated that this is a problem because the Selectmen's meeting room is the only facility that has broadcasting capabilities and feels that the Town is using the building policy to restrict broadcasting activities.

Mr. Griffin asked Mr. Barrington what would be required to allow candidates' right to proceed. Mr. Barrington said that the Board of Selectmen would need to amend the existing policy. Mr. Griffin also asked how often the cable committee meets as he has never been invited to a meeting and is a representative on the Committee. Mr. Barrington is not certain how often the group meets. Mr. Griffin suggested that the Board reconsider this policy to enable candidates' right to continue. Mr. Barrington reminded everyone that the policy was developed as a result of a situation that involved the fire fighters' union hosting an event for Senator Kerry that essentially shut down the fire station. As a result, a policy was developed and when there are exceptions to a policy it weakens the purpose of the rule.

Mr. Griffin asked if a motion should be made tonight to remedy the situation. Chairman Workman suggested that the Board consult with Attorney Gearreald. Mr. Pratt recalls that the Board was very upset about the fire station closing for a political campaign. Mr. Moore asked if the policy could be altered to allow public access to the Board's meeting room. Again Chairman Workman reiterated that the policy would be weakened if exceptions were made.

Attorney Bouchard suggested that the Town consider setting parameters and requirements for people interested in utilizing the Selectmen's Meeting Room. Mr. Moore noted that most of the Channel 22 Committee members are volunteers and said that these people need to be consulted before the Board makes a formal decision. It was suggested that there should be a call for volunteers or paid Channel 22 personnel to encourage people to join the Channel 22 Committee. Mr. Moore suggested that the Board needs to get input from the Channel 22 Committee and the Town Attorney.

III. OLD BUSINESS

1. TOWN MANAGER'S REPORT

The Town Manager met with SAU 21 Superintendent Jim Gaylord to discuss the traffic engineering study at the Winnacunnet Road / Park Avenue area. They agreed that retaining Pernaw Engineers would likely be the most efficient and economical approach since they have already done some traffic engineering in the area. They expect to meet with Mr. Pernaw next week to discuss the scope of services and contractual arrangements for the work.

During the construction at the beach, it became necessary to temporarily disconnect the water main that crosses the harbor to Sun Valley. The Town of Seabrook was gracious enough to allow the interconnecting valve to be opened so that the Hampton residents in Sun Valley have been able to have continuing water service without disruption. The Town Manager thanked the Town of Seabrook.

Mr. Barrington responded to a question Warren Bambury asked last Monday as to whether or not funds could be appropriated from the Highway Capital Improvement Fund (Article 16, 1998 Town Meeting) for the Bike Path, Attorney Gearreald and Mr. Barrington looked up the original language. They both share the opinion that attempting to use funds from this source would be an extremely tortured interpretation of the article. Mr. Barrington would not recommend trying to use that as a funding source.

After discussing the ZBA hearing on the property adjacent to the Lewis Brown Park with Building Inspector Kevin Schultz, Mr. Barrington recommended that the Town oppose this variance request.

Selectmen's Response to the Manager's Report

Mrs. Bridle-Russell mentioned that there is some discussion in Seabrook regarding who authorized the water main service and how much the Town of Hampton owes Seabrook. Mr. Barrington said that Aquarion made the arrangements and the Town of Hampton did not.

Mr. Moore asked about the letter to the Zoning Board Association (ZBA). Mr. Barrington requested authorization from the Board to prepare and sign the letter.

Mr. Moore MOTIONED that the Board of Selectmen authorize the Mr. Barrington to write and sign a letter opposing the variance for the property on Winnacunnet Road. **Mr. Griffin SECONDED.**

Discussion:

Mr. Pratt mentioned that it is not very often that the ZBA considers what the Board of Selectmen suggests. Mrs. Bridle-Russell does not believe that the Board of Selectmen should become involved in the ZBA's activities. Mr. Barrington said that a letter would put the Board's concerns on record which is the most important factor.

**VOTE: 3 FOR
2 OPPOSED
Mrs. Bridle-Russell & Mr. Pratt**

Mr. Moore said that he still needs a copy of the fire station report and asked if Mr. Barrington had an opportunity to discuss Hampton Falls dispatch with Chief Lipe. Mr. Barrington said that he talked to Chief Lipe briefly.

Mr. Griffin inquired if there will be more work done on King's Highway before winter. Mr. Barrington replied by saying that all patch work should be done before winter falls. Mr. Griffin also asked why the Police were at Winnacunnet High School. Mr. Barrington was not certain.

Mr. Pratt said that the Board needs to provide Chief Lipe with direction in regards to the future fire station. Chief Lipe was invited to address the Board. It was suggested that a soil study be conducted at the potential sites to determine if the locations are suitable to build on.

Mr. Moore noted that the Precinct Commission will need to have a vote on the sub-station. He also suggested that a smaller footprint be considered rather than the proposed 6,600 square foot design. In addition he is interested in renovating the court house as it is a nice historical building.

Chief Lipe is keen on the idea; however, the costs involved in renovating make the idea not feasible. He figures that restoring the building would cost \$695,000 and then the building would need to be moved and a foundation would need to be built.

There is also speculation that the proposed Church Street location for the fire station may be on an old landfill.

Mrs. Bridle-Russell apologized to Chief Lipe for the Board's delaying his project research.

Attorney Gearreald stated that the Town and Precinct Commission lease regarding the fire station lot states that if construction begins by March 18, 2006 then the Precinct basically deeds the parcel to the Town.

Precinct Commissioner John Kane stated that the Precinct Commissioner need a meeting room, and there is a tradition involved with the Precinct meeting at the current fire station. The Precinct would like to be considered when building the fire station as they would like to have a meeting room available to them.

Mrs. Bridle-Russell asked if the fire and police stations could use the same training room. Mr. Barrington believes that it may be a viable alternative. Chief Lipe is looking to improve the future fire station with a conservative budget and believes that a training room in the station is necessary.

The Board consensus is to move headquarters uptown and have a substation at the beach. The exact location at the beach remains an open question. Chief Lipe will put together a substation design and will then look at administrative needs. With a full understanding of space and administrative needs, it can then be placed where the Board decides.

The Warrant Article will be presented to the Board on December 12.

IV. NEW BUSINESS

1 – ANNUAL AUTHORIZATION TO SIGN DOCUMENTS FOR STATE AID PAYMENT

Mr. Pratt MOTIONED that the Board of Selectmen authorize the Mr. Barrington to sign documents for the Town to receive State Aid Payment. **Mrs. Bridle-Russell SECONDED.**

VOTE: UNANIMOUS FOR

2 – ALTERNATE ANNUAL REPORT BIDS

Mr. Barrington reported on the alternate annual report bids. The Town could save \$700 by printing a black and white cover. The difference was \$4,400 compared to \$3,700.

Mr. Pratt MOTIONED that the Annual Report have a black and white cover and to reduce the number of copies by 15%. **Mrs. Bridle-Russell SECONDED.**

Discussion:

With the expansion of the Town's web site, obtaining the Annual Report by means of downloading it has become a popular resource.

VOTE: UNANIMOUS FOR

NEW BUSINESS – Continued

Mrs. Bridle-Russell reported that she has been meeting with the Budget Committee during the budget review. All motions to amend the proposed budget will be made on December 6, 2005.

Mr. Moore stated that on October 21 there was a no parking request along Walnut Street and was wondering if a public hearing would be held. Mr. Barrington will find out if Highway Safety is handling the situation.

The Route 1 consultant will be attending the Selectmen's meeting on November 21.

Mr. Barrington will put together draft Warrant Articles for the Board to review.

Chairman Workman brought to the attention of the Board that Town Assessor Bob Estey submitted a proposal for his employment contract extension. Mr. Estey would like to meet with the Board in a non-public meeting on December 6 at 6:30pm.

V. MINUTES – NOVEMBER 7, 2005

Page 2 – last paragraph – under questions to Warren – instead of Winnacunnet Road at end of third line – should read Exeter Road

Mr. Moore MOTIONED to accept the minutes as amended. **Mrs. Bridle-Russell SECONDED.**

VOTE: UNANIMOUS

VI - CONSENT AGENDA

None

VII - PUBLIC COMMENT

Mr. Andrew Guthrie stated that he has been watching the Selectmen's meetings on Channel 22 and was troubled in regards to the Selectmen's comments. He mentioned that the Precinct area generates approximate one third of the Town's revenue. Without the money generated from this area the Precinct would dissolve and then who would be responsible for promoting the Town. Mr. Guthrie thanked the Town for providing education to Town children. He also stated that the Board of Selectmen needs to protect businesses in the area and parking availability. He said that the Precinct Commission is considering succession.

Dan Traficante, after attending the planning meeting in June regarding loading zones and parking he said that he felt good about the situation. He felt that Mr. Howe presented the same proposal tonight that was presented in June. Mr. Traficante is concerned about losing more parking spaces and loading zones located on the wrong side of the street. He believes that people are frustrated when visiting Hampton because of the lack of parking and congested traffic. This is causing reduced revenues for all businesses in the Precinct area. Mr. Traficante would like to see Mr. Howe follow the instruction of the Town and is disappointed that there were no changes to proposed plan.

Charlie Preston would like to see as much parking preserved as possible. He would also like to suggest that the Board of Selectmen consider the State Park location as a potential location for the new fire station. Mr. Preston believes that the State would consider this venture as it is a public safety issue. He also suggested the east lot on Island Path. Mr. Preston also suggested that the Precinct Commission approach the State in regards to this idea. In addition he was wondering if property along Ashworth Avenue has been considered as a potential location. He also thinks that the lettered street residents and businesses should be consulted in regards to planning the road easement.

Mike Scanlon believes that the Board of Selectmen is making a mistake by printing a black and white covered annual report. He doesn't believe that the \$700 in savings is worth jeopardizing the quality of this historical document.

Mr. Scanlon would like the Town to pay attention to private warrant articles. Back in 2004 Article 31 that was supported by the voters of Hampton stated that there would be no private parking or meter parking along Hampton Beach. In addition, Article 24 took back the construction fund. He said that voter mandates need to be considered by the Board of Selectmen. Mr. Scanlon discussed the federal law regarding Eminent Domain and said that it will not be allowed in the near future. Once this comes into place there will be another injunction regarding parking spaces being removed from the Precinct area. Mr. Scanlon said that the voters

are paying attention to the decisions that the Board of Selectmen are making and citizens do not want to spend more taxes. Mr. Scanlon said that the Precinct will not tolerate losing another parking space.

Mrs. Scanlon commented on the loading zones and said that she was disappointed in Mr. Howe's presentation tonight as it was similar to what was present in June. Furthermore there were two public hearings and the Board of Selectmen was to vote on the proposal 14 days after the hearings. Since that time period has passed the Town will be required to hold another public hearing. She mentioned that citizens need to know which loading zones are legal and which ones are questionable. She needs a copy of Ashworth loading zones and the proposed parking. Mrs. Scanlon likes the idea of the Selectmen going down to discuss the proposal with business owners. After consulting with the business owners she would like to see another public hearing and hopes that there will be a plan of action to ensure that the process is efficient. The proposal should be provided to citizens in the form of a map and allow them time to consider the proposal.

VIII. ADJOURNMENT

Mrs. Bridle-Russell MOTIONED to adjourn the meeting at 10:50 PM. **Mr. Moore SECONDED.**

VOTE: UNANIMOUS FOR

Chairman